

**UNITED STATES DISTRICT COURT  
DISTRICT OF NEVADA**

WALTER J. RUIZ and MILLICENT Z. RUIZ, individually and as husband and wife,

2:09-CV-211 JCM (LRL)

Plaintiffs,

V.

CITY OF MESQUITE, et al.,

## Defendants.

## ORDER

Presently before the court is defendants Nevada Department of Public Safety, Investigations Division, Nevada Southern Area Interdiction Narcotics Team, Detective Bryant and Detective Trimming's (collectively, "state defendants") motion for summary judgment. (Doc. #64). Defendants City of Mesquite, City of Mesquite Police Department, and City of Mesquite Policy Officers (collectively, "Mesquite defendants") have joined in the motion for summary judgment. (Doc. #66). Plaintiffs have filed two purported responses, each asking the court for additional time and/or appointment of counsel.

23        This court takes note of the record in this case, and that it has provided plaintiffs with several  
24 opportunities to find new counsel. After nearly a year of opportunity to find counsel, and  
25 representing to the court that they will try this case themselves, plaintiffs have again asked for an  
26 extension and the appointment of counsel. This court has shown great patience with plaintiffs and  
27 provided them with more than sufficient opportunity to prosecute this case. This court's previous

1 order recognized the prejudice caused to defendants by plaintiff's undue delay in moving the case  
2 forward, yet still granted plaintiffs an additional extension to find counsel. The court warned  
3 plaintiffs, however, that it may dismiss the case if they did not properly oppose the motion for  
4 summary judgment or cause an attorney to appear on their behalf.

5 Plaintiffs have failed to do either. Plaintiffs' failure to abide by this court's direct order, after  
6 being granted several opportunities to prosecute this case is sufficient grounds for this court to order  
7 dismissal. *See Ash v. Cvetkov*, 739 F.2d 493, 496 (9th Cir. 1984) (court has inherent power to sua  
8 sponte dismiss a case for lack of prosecution after considering its need to manage its docket, the  
9 public interest in expeditious resolution of litigation, and the risk of prejudice to the defendants  
10 against the policy favoring disposition of cases on the merits and the availability of less drastic  
11 sanctions).

12 In this case, each of the factors identified by the court in *Ash* favor dismissal, especially in  
13 light of the repeated extensions this court has provided to plaintiffs and the clear warnings regarding  
14 dismissing this case.

15 Accordingly,

16 IT IS HEREBY ORDERED, ADJUDGED, AND DECREED that plaintiffs' case be, and the  
17 same hereby is, DISMISSED. The clerk of the court shall enter judgment accordingly.

18 DATED this 27<sup>th</sup> day of December, 2011.

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21 **UNITED STATES DISTRICT JUDGE**  
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